

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD
REGULAR MEETING**

Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida

Board Members

Michael Gravesen, Chair
Paul Bigness, Vice-Chair
Stephen Vieira, Secretary
Don McCormick
Kenneth Chandler



District

District V
District III
District I
District II
District IV

**MINUTES
REGULAR MEETING**

June 8, 2020 at 1:30 P.M.

Call to Order

Chair Gravesen called the meeting to order at 1:30 p.m.

Roll Call

Upon the roll being called it was determined a quorum was present.

Approval of Minutes – May 11, 2020 Regular Meeting

The May 11, 2020 minutes were approved as circulated.

Announcements

The oath was provided by Secretary Bennett for those wishing to provide testimony.

PETITIONS

PP-20-03-11

Quasi-Judicial

Commission District III

Richard Lake has requested Preliminary Plat approval for a two-lot subdivision to be named, Not Point of Pines. The site is 0.58 acres, more or less, and is located south of McCall Road, west of Homestead Street, north of Deer Creek Drive, and east of Redfish Cove, in Section 06, Township 41S, Range 20E, in Commission District III.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition PP-20-03-11, based on the reasons stated in the staff report.

All pertinent departments have reviewed the petition. Community Development recommends approval of Petition PP-20-03-11.

Questions for Staff

None.

Applicant's Presentation

Richard Lake, applicant, stated he was sworn in. Mr. Lake discussed when he originally purchased the lot and all the other application processes he already went through, to get access to this lot. Mr. Lake would like to be able to sell the house.

Public Input

Mike Hayes, who lives in the area, said he has been sworn in. He discussed the value of the neighborhood and that they feel that Mr. Lake should go through the PD process.

Andrea Brooks, who lives in the area, said she has been sworn in. She opposes the approval of this plat for these reasons; in the 1970s lot A was subdivided by deed into several different lots, 2 commercial and 2 residential. One lot became the parking lot for the restaurant, the other commercial lot was taken over by FDOT and remains vacant. This left the lot that Mr. Lake purchased land locked. If this plat is approved, it will result in two highly irregular shaped lots, one of which will have mixed zoning and the resulting two-lots subdivision will be inconsistent with the Comp Plan and the Future Land Use Map. She is against this application.

Ellen Long, who lives in the area, said she has been sworn in. She stated the Zoning Code Section 3-7-24 and she does not agree with the setbacks with the properties if this plat gets approved. She also discusses the frontage requirements and the driveway. She feels they would be non-conforming lots.

Ralf Brookes, Esq, represents four of the adjoining property owners, said he has been sworn in. He states a few errors on the application, and states Andrea Brooks mentioned a plat from 1992, which was an error she meant to say 1952. He states the applicant is a Realtor and a Broker in the state of Florida and has the ability to check this property information out with the property appraiser's office. He states Mr. Lakes could have found the document recorded showing the severance payment to the previous owner for making the land Landlocked. He asked the board to recommend denial for this petition.

Richard Lake asked Attorney Brookes a few questions.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Bigness**; with a unanimous vote.

Mr. Vieira asked about the lot with the house and the setbacks.

Mr. Cullinan explained the rules with platting and requesting a plat, rezoning or plan amendment and if one has to come before the other.

Mr. Vieira asked is there any current legal action regarding this situation?

Mr. Cullinan said not at this time.

Mr. Bigness said he was concerned about the traffic in that area and pulling out onto SR 776.

There was some discussion about access to the house and garage if this plat was approved.

Recommendation

Mr. Bigness moved that PP-20-03-11 be sent to the Board of County Commissioners with a recommendation of Denial based on the findings and analysis in the staff report dated May 28, 2020, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

PA-20-01-02-LS

Legislative

Commission District I

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE); for property located at 2351 State Road (SR) 31, in the East County area, containing 53.59± acres; Commission District I; Petition No. PA-20-01-02-LS; applicant: Probitas Enterprises LLC; providing an effective date.

Z-20-01-03

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM); for property located at 2351 State Road (SR) 31, in the East County area, containing 53.59± acres; Commission District I; Petition No. Z-20-01-03; applicant: Probitas Enterprises LLC; providing an effective date.

Jie Shao, Planner, Principal, asked to be accepted as an expert in Planning; with her qualifications attached to the staff report. Chair Gravesen stated the Board accepts Mrs. Shao as an expert. Mrs. Shao provided the findings and analysis for Petition **PA-20-01-02-LS** and **Z-20-01-03** with a recommendation of approval, based on the reasons stated in the staff report.

Community Development recommends approval of Petition **PA-20-01-02-LS** and **Z-20-01-03** as outlined in the staff report.

Questions for Staff

None.

Applicant's Presentation

Mr. Berntsson, Big W Law Firm, representing Probitas Enterprises, LLC stated they join in the staff report. A few years back they changed the mining requirements, you now have to apply for a re-zoning to Excavation and Mining (EM). Mr. Berntsson stated they accept Ms. Shao as an expert and respectfully requested a recommendation for approval.

Public Input

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Vieira**; with a unanimous vote.

Recommendation

Mr. Vieira moved that PA-20-01-02-LS be forwarded to the Board of County Commissioners as outlined in the staff report, with a recommendation of Approval for transmittal to the Department of Economic Opportunity (DEO) based on the findings and analysis in the staff report dated May 24, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Recommendation

Mr. Vieira moved that Z-20-01-03 be forwarded to the Board of County Commissioners as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated May 24, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

CSZ-20-02

Quasi-Judicial

Commission District III

A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone, which is located at 2011 Placida Road, in the Englewood area; containing 2± acres; for calculation and severance of density units, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-20-02; applicant: Charlotte County Board of County Commissioners; providing an effective date.

PAS-20-00003

Legislative

Commission District III

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, amending a Small Scale Plan Amendment; this request is to amend the Charlotte County FLUM Series Map #1: 2030 Future Land Use, from High Density Residential (HDR) to Parks and Recreation (PKR); for property located at 2011 Placida Road, in the Englewood

area; containing 2± acres; Commission District III; Petition No. PAS-20-00003; applicant: Tina Powell, Parks & Natural Resources Division Manager, Charlotte County Board of County Commissioners; providing an effective date.

Z-20-13-15

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 15 (RMF-15) to Parks and Recreation (PKR); for property located at 2011 Placida Road, in the Englewood area; containing 2± acres; Commission District III; Petition No. Z-20-13-15; applicant: Tina Powell, Parks & Natural Resources Division Manager, Charlotte County Board of County Commissioners; providing an effective date.

Jie Shao, Planner, Principal, asked to be accepted as an expert in Planning; with her qualifications attached to the staff report. Chair Gravesen stated the Board accepts Mrs. Shao as an expert. Mrs. Shao provided the findings and analysis for Petition **CSZ-20-02, PAS-20-00003, & Z-20-13-15** with a recommendation of approval, based on the reasons stated in the staff report.

Community Development recommends approval of Petition **CSZ-20-02, PAS-20-00003, & Z-20-13-15** as outlined in the staff report.

Questions for Staff

Mr. Bigness asked if there will be an expansion of the boat ramp?

Jamie Scudera, Natural Recourse Dept., said they are looking at relocating the existing boat ramp, possibly to the North end closer to the bridge which would support more active use. They are also looking at creating a better use for the parking lot.

Public Input

- **Mr. Bigness** moved to close the public hearing, second by **Mr. Vieira**; with a unanimous vote.

Recommendation

Mr. Bigness moved that CSZ-20-02 be forwarded to the Board of County Commissioners as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated May 27, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Mr. Bigness moved that PAS-20-00003 be forwarded to the Board of County Commissioners as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated May 27, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Mr. Bigness moved that Z-20-13-15 be forwarded to the Board of County Commissioners as outlined in the staff report, with a recommendation of Approval based on the findings and analysis in the staff report dated May 27, 2020, along with the evidence and testimony presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

TLDR-20-01

Legislative

County-Wide

An Ordinance pursuant to Section 125.66, Florida Statutes, amending Charlotte County Code Chapter 3-9, Zoning; by revising Land Development Regulations Table of Contents to add a new Section 3-9-91: Accessory Chicken Keeping; by adding Accessory chicken keeping as a Special Exception use to Article II, District Regulations, Section 3-9-26.3: Use Table - Residential Zoning Districts; by creating new item (17) Accessory chicken keeping under

Article II, District Regulations, Section 3-9-33. Residential single-family (RSF), subsection (f) Special Exceptions (S); by creating a new Section 3-9-91: Accessory Chicken Keeping, to provide standard conditions; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Shaun Cullinan, Planning and Zoning Official, provided the findings and analysis for Petition **TLDR-20-01**, based on the reasons stated in the staff report dated May 26, 2020.

Questions for Staff

Mr. Bigness asked what if a chicken is on other people's property, is that a violation?

Mr. Cullinan said yes, they are to remain in their fenced in yard.

Mr. Gravensen asked if they have a violation does it go to the Special Magistrate?

Mr. Cullinan said no, that would be a violation. If they are allowed 4 chickens and they have 6 that is a violation. If they get out of their yard and into the neighbors, that is a violation. We keep track of the violations.

Mr. Vieira asked under special exception use, is there a permit required to build a chicken coop?

Mr. Cullinan said the Florida Building Code does not have any chicken coop standards but the space cannot be less than 4 Sq Ft, per foul.

Public Input

Melissa Aniskewicz, Founder of Charlotte Cluck, said she was sworn in. **Ms. Aniskewicz** said there is just a few things she wants to address; 1) being categorized as a special exception with a \$440 fee, but if neighbors attend and are against it, they are of the \$440. She doesn't agree with that. 2) she conducted a survey online and had 304 residents that replied - basically addressed some of the points in the ordinance, mainly the one most people disagreed with which was the fee.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Bigness**; with a unanimous vote.

There was some discussion about having a duck or a turkey, the killing and dressing of a chicken is prohibited, most people just want the eggs, the possible disease's that they can bring, and the sunset on the permit.

Recommendation

Mr. Vieira moved that TLDR-20-01 be sent to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated May 26, 2020 and the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

ADJOURNMENT

The meeting was adjourned at 3:18 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair